

SCHMITTINGER AND RODRIGUEZ, P.A.  
LAWYERS

REHOBOTH OFFICE  
DAVID A. BOSWELL

STATEWIDE  
NICHOLAS H. RODRIGUEZ  
PAUL H. BOSWELL  
JOHN J. SCHMITTINGER  
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WILLIAM W. PEPPER SR.  
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FRED A. TOWNSEND III  
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WALT F. SCHMITTINGER  
R. SCOTT KAPPE  
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KATHRYN J. GARRISON  
ERIN K. FITZGERALD  
RYAN C. MEADOWS  
B. BRIAN BRITTINGHAM  
KRISTI N. VITOLA

WACHOVIA BANK BUILDING  
18489 COASTAL HIGHWAY, SECOND FLOOR  
REHOBOTH BEACH, DELAWARE 19971-6189  
TELEPHONE (302) 227-1400  
TELECOPIER (302) 645-1843

HAROLD SCHMITTINGER  
1928-2008

MICHELE PROCINO-WELLS  
OF COUNCIL

DOVER OFFICE  
414 SOUTH STATE STREET  
P.O. BOX 497  
DOVER, DELAWARE 19903-0497  
TELEPHONE (302) 674-0140  
TELECOPIER (302) 674-1830

NEWARK OFFICE  
220 CONTINENTAL DRIVE  
SUITE 203  
NEWARK, DELAWARE 19713  
TELEPHONE (302) 894-1960  
TELECOPIER (302) 894-1965

ODESSA OFFICE  
ODESSA PROFESSIONAL PARK  
P.O. BOX 626  
ODESSA, DELAWARE 19730-0626  
TELEPHONE (302) 378-1697  
TELECOPIER (302) 378-1659

July 14, 2008

\*ALSO ADMITTED IN MARYLAND

Dr. Peter T. Dalleo, Clerk  
U.S. District Court for  
the District of Delaware  
844 N. King Street, Room 4209  
Lock Box 18  
Wilmington, DE 19801

Re: Hill v. Moore, et al., C.A. No. 08-378  
Our file 06-617R

Dear Dr. Dalleo:

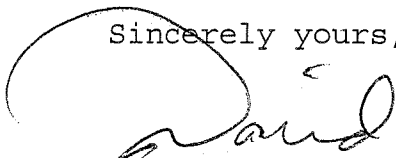
I am in the process of perfecting service on Thomas Colace Company, pursuant to Fed. R. Civ. P. R. 4(e)(1) and pursuant to Delaware's long-arm service statute, 10 Del. C. § 3112. Today, the first registered mailing that I attempted to serve on the defendant was returned, marked "unable to forward" by the postal authorities. Also today, I filed an Affidavit Pursuant To 10 Del. C. § 3112(e) via the Court's electronic filing system.

Pursuant to 10 Del. C. § 3112, I am required to file such affidavit along with the "original envelope of the undelivered registered article." I am concerned that an electronic filing may not comply with this statute. Accordingly, enclosed herewith please find the original Affidavit Pursuant to 10 Del. C. § 3112(e) and the original exhibits thereto, which I tender in their original, paper format for filing with the Court.

Letter re: Hill v. Moore, et al.  
July 14, 2008  
Page 2

Please docket this pleading and return to me a clocked-in copy in the enclosed, self-addressed, stamped envelope. Thank you for your kind assistance.

Sincerely yours,

A handwritten signature in black ink, appearing to read "David", with a large, loopy flourish above it.

DAVID A. BOSWELL

Enclosures

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

WILLIAM J. HILL,	:	C.A. No. 08-378
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
JOHN MOORE, JR.,	:	<u>AFFIDAVIT PURSUANT TO</u>
MILLER AUTO LEASING CO., a	:	<u>10 DEL C. § 3112(e)</u>
New Jersey corporation,	:	
THOMAS COLACE COMPANY, a	:	
business located in New Jersey,	:	
THOMAS COLACE COMPANY,	:	
a business corporation of	:	
the State of Pennsylvania, and	:	
THE THOMAS COLACE COMPANY, LLC,	:	
a limited liability company	:	
of the State of Florida,	:	
	:	
Defendants.	:	

PURSUANT TO 10 Del. C. § 3112(e), now to-wit, this 14th of July, 2008, comes the Plaintiff by his attorneys, Schmittinger & Rodriguez, P.A., who makes the following Affidavit in the above-captioned case:

STATE OF DELAWARE :  
: SS.  
COUNTY OF SUSSEX :

BE IT REMEMBERED, that on the 14th day of July, 2008, personally came before me, the Subscriber, a Notary Public in and for the State and County aforesaid, David A. Boswell, attorney for the Plaintiff, who being sworn according to law, did depose and say as follows:

1. That on July 2, 2008, the envelope containing the Notice required by 10 Del. C. § 3112 was mailed by registered mail (registered number RE270905030US) to Defendant Thomas Colace Company and that said envelope is attached hereto as Exhibit "A."

2. That on July 14, 2008, the aforesaid envelope containing said Notice was returned to the sender, your deponent.

3. That the Notice required by 10 Del. C. § 3112 was contained in said envelope (registered number RE270905030US) at the time it was mailed.

4. That the receipt obtained by your deponent at the time of the mailing of the envelope containing the Notice is the receipt filed with this Affidavit as Exhibit "B."

5. That a Second Notice required by 10 Del. C. § 3112 was mailed by registered mail on July 14, 2008, to Defendant's current address, as follows: Thomas Colace Company, Thomas Colace, President, 800 Grove Road, Thorofare, NJ 08086.

SCHMITTINGER & RODRIGUEZ, P.A.

BY: 

DAVID A. BOSWELL (3172)

Wachovia Bank Building  
18489 Coastal Highway, Second Floor  
Rehoboth Beach, DE 19971-6189  
(302) 227-1400  
Attorneys for Plaintiff

SWORN TO AND SUBSCRIBED before me the day and year aforesaid.

  
Notary Public

SHARON L. DRAIN  
NOTARY PUBLIC  
STATE OF DELAWARE  
My commission expires Feb. 8, 2012

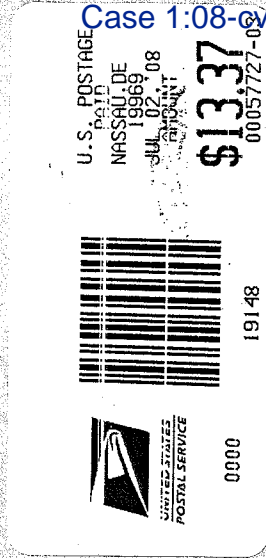
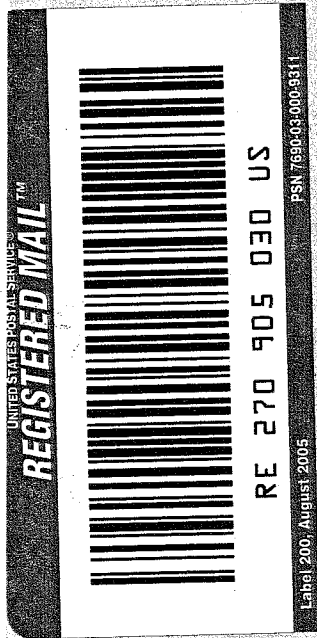
**Exhibit "A"**

LAW OFFICES

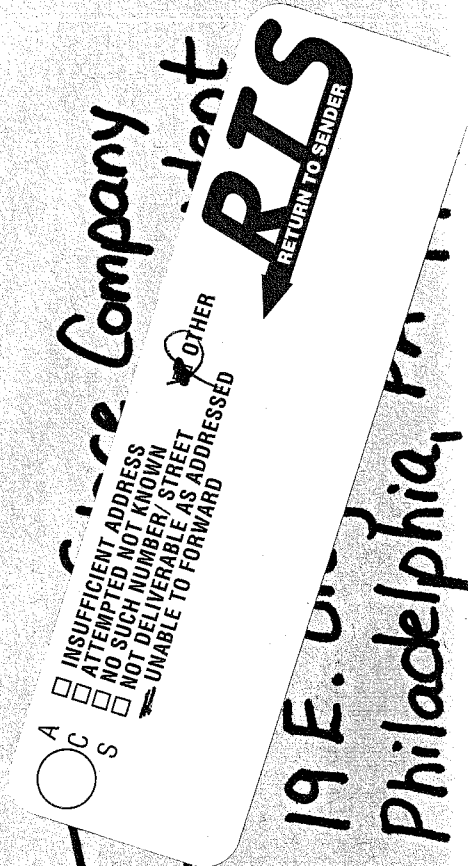
**SCHMITTINGER and RODRIGUEZ**

PROFESSIONAL ASSOCIATION

Wachovia First Union Bank Building  
89 Coastal Highway One, Second Floor  
Rehoboth Beach, DE 19971-9794  
6189



WTF



- ☒ Not Deliverable As Addressed
- Unable To Forward
- ☐ Insufficient Address
- ☐ Moved, Left No Address
- ☐ Unclaimed ☐ Refused
- ☐ Attempted - Not Known
- ☐ No Such Street ☐ Number
- ☐ Vacant ☐ Illegible
- ☐ No Mail Receipts
- ☐ Box Closed - No Order
- ☐ Returned For Better Address
- ☐ Postage Due

Registered Mail  
Return Receipt Requested

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Thomas Colace Company  
 Thomas Colace, President  
 19 E. Oregon Ave.  
 Philadelphia, PA 19148

2. Article Number  
(Transit)

PS Form 3811, August 2001

RE 270 905 030 US

Domestic Return Receipt

102595-02-M-0835

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature		<input type="checkbox"/> Agent
<b>X</b>		<input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If YES, enter delivery address below:		
3. Service Type		
<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail	
<input checked="" type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise	
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee)		<input type="checkbox"/> Yes

Registered No. RE270905030US

To Be Completed By Post Office	Reg. Fee \$	\$10.00	
	Handling Charge	\$0.00	Return Receipt \$0.00
	Postage \$	\$1.17	Restricted \$ Delivery
	Received by <i>[Signature]</i>		

Date Stamp  
0969  
07/02/08

Domestic insurance up to \$25,000 is included in the fee. International indemnity is limited. (See Reverse).

Customer Must Declare Full Value \$ *0*

*Documents*

☐ With Postal Insurance  
☐ Without Postal Insurance

To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	FROM	Schmittinger & Rodriguez, P.A. Wachovia Bank Building 18489 Coastal Highway, Second Floor Rehoboth Beach, DE 19971-6189
	TO	Thomas Colace Company Thomas Colace, President 19 E. Oregon Ave. Philadelphia, PA 19148

PS Form 3806, June 2002 Receipt for Registered Mail Copy 1 - Customer (See Information on Reverse)

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®

Exhibit "B"